
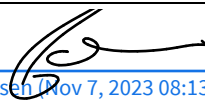
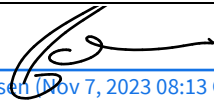


PAIA User Manual: Request Information

Promotion of Access to Information Manual in terms of Section 51 of The Promotion of Access to Information Act, No. 2 of 2000

Document Classification	Confidential	<input type="checkbox"/>
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PAIA User Manual: Request Information**CHANGE CONTROL TABLE**

No.	Revision	Status	Date	Author	Description of the change
1.	01.00	Released	2021/09/08	F Otto-Allsopp	New
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

VERSIONS

No	Versions take place in two stages. Accepted documents receive the next higher integral version number.	
1.	00.01, 00.02 etc.	Not released versions, with the status "reviewed".
2.	01.00	First released version with the status "released".
3.	01.01, 01.02 etc.	Versions which supplement the version 01.00 and are "reviewed".
4.	02.00	Second released versions with the status "released".

DOCUMENT STATUS

No.	Status	Definition / Description
1.	New	New Document
2.	Reviewed	Document reviewed by author and management.
3.	Released	Document checked and released by the Quality Department. This document can only be modified if the version number is updated

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DISTRIBUTION LIST

No.	Company	Designation
1.	KTC-ZA	KTC-ZA EXCO
2.	KTC-ZA	All Employees
3.	ER	Employer's Representative
4.	Public	External Stakeholders
5.		
6.		
7.		
8.		
9.		
10.		

PAIA User Manual: Request Information**1. DEFINITIONS**

Act	Promotion of Access to Information Act No. 2 of 2000, as amended from time to time.
Company	Refers to Electronic Toll Collection (Pty) Ltd. (ETC) Trading as KTC-ZA.
Confidential	Highly sensitive or valuable information, both proprietary and personal. Information which is confidential by law or data if made public or even shared in an uncontrolled way around the Company could seriously impede the Company's operations and is considered critical to its on-going operations. Such information should not be copied or removed from the Company's operational control without specific authorisation from EXCO.
Employee	Any person appointed on a company contract of employment, excluding independent contractors and persons employed by temporary employment services.
Internal	Information not approved for general circulation outside the Company where its loss would inconvenience the Company or management but where disclosure is unlikely to result in financial loss or serious damage to credibility. Disclosure of such data to anyone outside of the Company requires management authorisation.
Manual	Manual published in compliance with Section 51 of the Act;
Personnel	Any person who works for or provides services to or on behalf of the Company and receives or is entitled to receive any remuneration. This includes, without limitation, directors (both executive and non-executive), all permanent, temporary and part-time staff/ employees as well as contract workers;
Public	Data or information that does not fall under any other classification levels and may be broadly distributed without causing damage to the Company, its employees and stakeholders.
Record	Any recorded information, regardless of form or medium, which is in the possession or under the control of the Company, irrespective of whether it was created by the Company;
Request	Request for access to a Record of the Company.
Requestor	Any person, including a public body or an official thereof, making a Request for access to a Record of the Company and includes any person acting on behalf of that person.
SAHRC	South African Human Rights Commission
IO	Information Officer

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2. PURPOSE

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000. The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right. The Company is a private body as defined in the Promotion of Access to Information Act, No. 2 of 2000 ("Act").

3. SCOPE

- 3.1. The aim of this Manual is to assist Requestors in requesting access to information from the Company as contemplated in the Act.
- 3.2. The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

4. RESPONSIBILITY

- 4.1. The PAIA Manual is maintained by Company's Information Officer (IO), who is responsible for dealing with all requests received by the Company.
- 4.2. All questions or comments related to this policy or a should be directed to the IO.

5. POLICY

- 5.1. Access to information
 - 5.1.1. The motivation for the Act is found in the Constitution of South Africa which provides that everyone has a right of access to information held –
 - 5.1.1.1. by the state, where no reason for access to the information needs to be established (section 32(1)(a)); or
 - 5.1.1.2. by a private body, if the requestor requires a record for the exercise or protection of any right (section 32(1)(b)).
 - 5.1.2. The Constitution further requires that legislation be enacted to give effect to the provision of section 32 of the Constitution. The Act has been enacted to meet this requirement.
 - 5.1.3. In terms of the Act any person has a right of access to a record held by or under the control of a private body if (a) the record is required for the exercise or protection of any right, (b) the requestor has complied with all the procedural requirements of the Act, and (c) no grounds for refusal can be established by the private body allowing them to refuse access to the record requested.
 - 5.1.4. The first step in assessing a request is to determine if the request is procedurally

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correct. This is facilitated by the requester ("Requestor") properly and fully completing the information required in the request. If assistance is required, the information officer ("IO") will render reasonable assistance to a Requester to comply with the procedures set out in the Act. The IO will also require that the Requester is properly identified and that the applicable fee and, if applicable a deposit, has been paid. Once these requirements have all been fully satisfied a 30-day period begins to run and the IO is obliged to give the Requester notice of the IO's decision during that 30-day period.

- 5.1.5. The second step in assessing a request is to determine if the Requester has evidenced, in the request, that the Requestor requires the record to exercise or protect a right. If the IO is satisfied that the information provided by the Requester supports this requirement, the third step will be conducted.
- 5.1.6. The third step in assessing a request is to determine if the IO must or may refuse the request on the basis of a ground for refusal. In some cases, this decision is mandatory, and in others it is discretionary.
- 5.1.7. Once the IO has made a decision the IO must inform the Requester of the decision and, if the request is refused, provide reasons for the refusal.
- 5.1.8. If the Requester is aggrieved by either the fees charged for access to a record, the form in which access is provided to a record, or by a refusal to grant access to a record, the Requester is entitled to apply to court for appropriate relief, within 30 days of receiving notice of the decision.
- 5.1.9. The Company endorses the object of the Act, which is to give effect to the constitutional right of access to information, subject to justifiable limitations. The manual is intended to assist a Requester in exercising this right.

5.2. Grounds of refusal of access to information

- 5.2.1. The Company may, and in must in certain circumstances refuse access to Records on any of the grounds for refusal established in the Act.
- 5.2.2. These grounds for refusal include:
 - mandatory protection of the privacy of a third party who is a natural person (human being).
 - mandatory protection of commercial information of a third party.
 - mandatory protection of certain confidential information of a third party.
 - mandatory protection of the safety of individuals, and the protection of property.
 - mandatory protection of records privileged from production in legal proceedings.
 - commercial information of a private body.
 - mandatory protection of research information of a third party and of a private body.

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5.3. Contact details

5.3.1. The Company's Information Officer is the person to whom requests for access to Records should be addressed.

5.3.2. Contact details for requests for access to information are as follows:

Postal Address: P O BOX 68383, Highveld, 0169

Physical Address: 36 Assegai Wood Street, Rooihuiskraal, Centurion, 0157

Telephone: +27 11 083 2000

Fax: + 27 11 083 3325

Email: infooffice@etc solutions.co.za

5.4. Description of guide referred to in Section 10: Section 51(1)(b)

5.4.1. The SAHRC has, in terms of Section 10 of the Act, published a Guide to assist persons wishing to exercise any right in terms of the Act.

5.4.2. The Guide may be obtained from the SAHRC or on its website (<http://www.sahrc.org.za>).

5.4.3. Please direct any queries to:

The South African Human Rights Commission

PAIA Unit

The Research and Documentation Department

Postal Address: Private Bag X2700 Houghton 2041

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: www.sahrc.org.za

Email: paia@sahrc.org.za

5.5. Subjects and categories of records held at physical address by the Company in terms of Section 51(1)(e):

- Attendance registers
- Founding Documents
- Shareholder Register
- Employee Records
- Employment Contracts
- Pension and Provident Fund Records
- Personnel Guidelines, Policies and Procedures
- Remuneration Records and Policies
- Brochures on Company Information Contracts
- Information relating to Work-In-Progress
- Annual Financial Statements
- Asset Register Banking Records

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- 5.6. Records available in terms of other Legislation: Section 51(1)(d)
- 5.6.1. Records available in terms of other legislation include those in relation to:
- Basic Conditions of Employment No. 75 of 1997
 - Broad Based Black Economic Empowerment Act No. 53 of 2003
 - Companies Act No. 71 of 2008
 - Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
 - Employment Equity Act No. 55 of 1998
 - Electronic Communications and Transactions Act No. 25 of 2002
 - Income Tax Act No. 95 of 1967
 - Labour Relations Act No. 66 of 1995
 - Pension Funds Act No. 24 of 1956
 - Promotion of Access to Information Act No. 2 of 2000
 - Protection of Personal Information Act No. 4 of 2013 ("POPI")
 - Unemployment Insurance Act No. 63 of 2001
- 5.7. Voluntary disclosure
- 5.7.1. In terms of section 52(1) of the Act, the Company may make certain categories of records automatically available without the Requester having to request access in terms of the Act.
- 5.7.2. These would include –
- reports.
 - other literature intended for public viewing.
 - public customer information.
- 5.7.3. If the Requester believes that any other statutory instrument allows access to a record this should be referred to the IO who will within a reasonable period (not more than 10 days) consider a request in the light thereof.
- 5.8. Details on how to request access to information held by the Company.
- 5.8.1. The Requester must complete **APPENDIX 1** and submit this form together with a request fee, to the IO.
- 5.8.2. The form must be submitted to the IO at the Company's address or the IO's email address.
- 5.8.3. The form must:
- 5.8.3.1. provide sufficient particulars to enable the IO to identify the records requested and to identify the Requester.
 - 5.8.3.2. indicate which form of access is required.
 - 5.8.3.3. specify a postal address of the Requester in the RSA.
 - 5.8.3.4. identify the right that the Requester is seeking to exercise or protect

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and provide an explanation of why the requested record is required for the exercise or protection of that right.

5.8.3.5. if in addition to a written reply the Requester wants to be informed of the decision on the request in any other manner, state that manner and the necessary particulars to be informed.

5.8.3.6. if the request is made on behalf of another person, submit proof of the capacity in which the Requester is making the request, to the reasonable satisfaction of the IO.

5.9. The latest notice in terms of section 52(2) (if any)

At this stage no notices have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

5.10. Protection of Personal Information ("POPI")

5.10.1. In this section 5.10, the following terms (and similar expressions) have the corresponding meanings:

5.10.2. "**Process**" means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal information, including: (a) collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; (b) dissemination by means of transmission, distribution or making available in any other form; or (c) merging, linking, as well as restriction, degradation, erasure or destruction of information.

5.10.3. "**Personal Information**" means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, comprising –

5.10.3.1. personal information including (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person; (b) information relating to the education or the medical, financial, criminal or employment history of the person; (c) any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person; (d) the biometric information of the person;

5.10.3.2. the personal opinions, views or preferences of the person.

5.10.3.3. correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; (g) the views or opinions of another individual about the person; and (h) the name of

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- the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person; and
- 5.10.3.4. special personal information including (a) religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information (personal identification based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition) of a data subject, or (b) criminal behaviour of a data subject to the extent that it relates to (i) the alleged commission by a data subject of any offence, or (ii) any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.
- 5.10.4. Processing of Personal Information by members of the Company, is governed by POPI. Members of the Company are obliged to meet the Processing conditions stipulated by POPI when processing Personal Information. As a general guide (but note that this information may be incomplete) these Processing conditions comprise the following principles –
- 5.10.4.1. Accountability
- 5.10.4.2. Processing Limitation
- 5.10.4.3. Purpose Specification
- 5.10.4.4. Further Processing Limitation
- 5.10.4.5. Information Quality
- 5.10.4.6. Openness.
- 5.10.4.7. Security Safeguards
- 5.10.4.8. Data Subject Participation
- 5.10.5. In the course of their respective business and operations the members the Company (as responsible parties in terms of POPI) Process Personal Information of and relating to the Company's
- (a) clients and their customers,
- (b) suppliers,
- (c) service providers and their customers,
- (d) professional advisers,
- (e) personnel (including employees, contractors and officers) and their family members and relatives,
- (f) non-executive officers and their family members and relatives, and
- (g) shareholders and their ultimate beneficial owners.
- 5.10.6. The exact nature of a data subject's Personal Information which is Processed by members of the Company will depend on the relationship (which may be direct or indirect) between the member of the Company and the data subject and the rights and obligations of the member of the Company in relation to or

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associated with the data subject. For a general overview of the Personal Information Processed by members of the Company in respect of various data subjects, see **APPENDIX 4**.

5.11. Prescribed fees in terms of section 54(1)

5.11.1. In terms of section 54(1) of the Act the head of a private body (or by implication the IO) is not obliged to process a request until the prescribed request fee (currently R50.00) has been paid. Unless and until the fee or any deposit that the Requester is required to pay in terms of the Act, and all other procedural requirements have been complied with the 30-day period allowed for the IO to consider, the request shall not commence.

A schedule of the prescribed fees can be obtained by viewing regulation R.187 on the Human Rights Commission's website at www.sahrc.org.za. As at the date of publication of this manual, the fees are as set out in **APPENDIX 5**.

5.12. Copies of this manual

5.12.1. Copies of this manual are obtainable in hard copy from the premises of the Company, and in electronic format by return email addressed to infooffice@etcsolutions.zo.za. The following reference must be inserted in the subject line of the email 'Request for PAIA Manual'.

5.12.2. This manual will be published as required by the Act.

6. POLICY REVIEW

This policy will be reviewed at least annually by the IO to ensure alignment to appropriate risk management requirements and its continued relevance to current and planned operations, or legal developments and legislative obligations.

7. REFERENCES

Document Number	Document Description
382-QAS-13-STD-903188	Data Classification Standard
382-QAS-06-POL-901869	Global Information Security Policy
382-QAS-06-POL-901868	Data Use and Privacy Policy
382-QAS-06-POL-901870	ICT Acceptable Use Policy
382-QAS-06-POL-901871	Information Security Access Management Policy

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Document Number	Document Description
382-QAS-13-POL-906670	Information Security Management System Policy
382-QAS-04-POL-908352	Information, Data and Control Policy
382-QAS-04-POL-908413	Data Subject Access Requesting Policy
382-QAS-04-POL-908348	Privacy Policy

8. RECORDS

Record Name	Record No.	Retention Period	Storage Medium	Storage Location	Method of Destruction
Test Report	N/A	Indefinite	Electronic	Share Drive	Delete
Confirmation Letter	N/A	Indefinite	Electronic	Share Drive	Delete
PAIA FORM C	N/A	Indefinite	Electronic	Share Drive	Delete

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9. ANNEXURE

**APPENDIX 1
PAIA FORM C**

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 10]**

A. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

.....

.....

.....

.....

2. Reference number, if available:

.....

.....

.....

.....

3. Any further particulars of record:

.....

.....

.....

.....

B. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

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C. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Form in which record is required: Disability: Mark the appropriate box with an X NOTES: (a) Compliance with your request for access in the specified form may depend on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:					
	<input type="checkbox"/> copy of record*		<input type="checkbox"/> inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	<input type="checkbox"/> view the images		<input type="checkbox"/> copy of the images*	<input type="checkbox"/> transcription of the images*	
3. If record consists of recorded words or information which can be reproduced in sound:					
	<input type="checkbox"/> listen to the soundtrack (audio cassette)	<input type="checkbox"/>	<input type="checkbox"/> transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	<input type="checkbox"/> printed copy of record*	<input type="checkbox"/>	<input type="checkbox"/> printed copy of information derived from the record*	<input type="checkbox"/>	<input type="checkbox"/> copy in computer readable form* (stiffy or compact disc)

<ul style="list-style-type: none"> • *If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? • Postage is payable. 	<input type="checkbox"/> YES	<input type="checkbox"/> NO
--	------------------------------	-----------------------------

D. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form.
--

1. Indicate which right is to be exercised or protected:

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.....
.....
.....

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

.....
.....

E. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at this day..... ofyear

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MAD











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Final Audit Report

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